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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,591	07/01/2003	Jamieson William MacLean Crawford	P-3522/24C1	6153
26253 7590 06/01/2007 DAVID W. HIGHET, VP AND CHIEF IP COUNSEL BECTON, DICKINSON AND COMPANY 1 BECTON DRIVE, MC 110 FRANKLIN LAKES, NJ 07417-1880			EXAMINER THANH, LOAN H	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,591

Applicant(s)

CRAWFORD ET AL.

Examiner

LoAn H. Thanh

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The double patenting rejection has been obviated in view of the terminal disclaimer filed 03/09/07 has been approved. This action is a second action non-final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,5-8, 11-15,17-21,24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Irisawa (US 5,885,249).

Irisawa discloses a safety needle device comprising a needle hub, a needle cannula 20, , a shield 70 hingedly mounted to said hub, wherein the shield has at least one support wall 80,81 with a channel mounted to said support wall 70. The channel having a top wall and opposed first and second sidewalls and at least one resiliently deflectable cannula finger lock 71. See figures 1-15, 23-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa (US 5,885,249) in view of Hollister (US 5,139,489).

Irisawa discloses the invention as substantially claimed. See above. Irisawa discloses a medical syringe for injection or collecting fluids. However, Irisawa does not disclose a double ended needle cannula. Hollister discloses a double ended needle having a shield hingedly connected to the hub for shielding the needle in the analogous art medical fluid collection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the syringe device of Irisawa with the medical device of Hollister in order to provide for a different medical collection container while still providing protection of the needle cannula to avoid needle sticks.

Claims 9,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa (US 5,885,249).

Irisawa discloses the invention as substantially claimed. See above. Irisawa discloses a deflectable cannula finger lock. Irisawa discloses that his invention are disclosed as embodiments and only examples and that modifications to the scope are covered by his invention. However, Irisawa does not disclose a plurality of deflectable cannula finger lock. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the number of cannula finger locks as a mere duplication of parts performing the same function. It would have been well known to one

with ordinary skill in the needle protective art to modify the number since the more finger locks would provide a better securement and protection to the accidental needle sticks.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa (US 5,885,249) in view of Schoenberg (US 4,888,001).

Irisawa discloses the invention as substantially claimed. See above. However Irisawa discloses a syringe and does not disclose a medical device such as an intravenous infusion set. Schoenberg discloses an intravenous set for delivering fluid. It would have been obvious to one of ordinary skill in the art to substitute a intravenous infusion device for a syringe device as a mere substitution of delivery devices with the protection of a shield in order to avoid needle sticks.

Allowable Subject Matter

Claims 10, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (571) 272-4966. The examiner can normally be reached on Mon. - Fri. (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3763

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LoAn H. Thanh/

LoAn H. Thanh
Primary Examiner
Art Unit 3763

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